



UNITED STATES PATENT AND TRADEMARK OFFICE

52
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,965	09/26/2001	Toshio Kuriuzawa	0941.65871	1555

7590 09/27/2004

Patrick G. Burns, Esq.
GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Dr.
Chicago, IL 60606

EXAMINER

HUBER, PAUL W

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,965

Applicant(s)

KURIUZAWA ET AL.

Examiner

Paul Huber

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 2,7 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09262001; 05142004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2653

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 8-12 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujiune et al. (USP-6,044,049).

Regarding claims 1, 4, 12 & 15, Fujiune et al. discloses a seek control method for carrying out a seek to a target position on a recording medium by moving a light beam spot which is irradiated on the recording medium. The recording medium has a first RAM region 102 in which information recording is made as variations in optical properties and a second ROM region 101 in which information recording is made as variations in geometrical configuration. The first RAM region 102 and second ROM region 101 are provided in different areas on a recording surface of the recording medium. See figure 6A. The seek control method carries out a control so that a seek operation from a seek start position within the first RAM region 102 to a seek target position within the second ROM region 101 and a seek operation from a seek start position within the second ROM region 101 to a seek target position within the first RAM region 102 differ. See col. 6, lines 10-16 and lines 39-51, and col. 6, line 63 through col. 7, line 2.

Regarding claims 3, 5, 14, 16, 19 & 20, a first seek operation from a seek start position to a first end position (at time t_1) within the first RAM region 102 and in a vicinity of the second ROM region 101 when the seek start position is within the first RAM region 102 and a seek target position is within the second ROM region 101, and carries out a second seek operation from the first end position (time t_1) to a second end position by regarding the second end position as the seek target position. See figures 10A-10I, and col. 13, lines 39-59. In addition, control parameters are set in the first RAM region 102 during the first seek operation (TES is being detected by push-pull method), and control parameters are set to those for the second ROM region 101 during the second seek operation (TES is being detected by phase difference method).

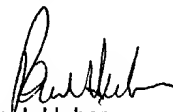
Art Unit: 2653

Regarding claim 6, 9, 11 & 17, since the gain of the tracking error signal detected by push-pull method is different from the gain of the tracking error signal detected by phase difference method, setting the control parameters includes setting a gain of a tracking error signal as claimed.

Regarding claims 8, 10 & 18, see col. 6, lines 63 through col. 7, line 2.

Claims 2, 7 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.


Paul Huber
Primary Examiner
Art Unit 2653

pwh
September 22, 2004